


Comments of Joint Administrative Procedures Committee (JAPC)

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- No issues relative to days of the week restrictions
 - Questions answered about various rule sections
 - Remaining JAPC concern: District's exclusive (i.e. pre-emptive) authority in Chapter 373 to regulate water and how the rule provides for local government implementation / enforcement
 - Path forward to adopt rule without JAPC objection = changes to 40E-24.011, 40E-24.201 & 40E-24.301
 - No other sections of the rule open for consideration or amendment

40E-24.011 Proposed Change

40E-24.011 Policy and Purpose.

(1) This chapter comprises the Mandatory Year-Round Landscape Irrigation Conservation Measures within the boundaries of the South Florida Water Management District (District). These mandatory conservation measures are intended to provide a framework for consistent implementation to ensure the long-term sustainability of the water resources of the region, increase water use efficiency and prevent and curtail wasteful water use practices through regulatory means for landscape irrigation by all users. Water savings achieved by public and private water supply utilities through conservation may be used to extend the availability of all water sources to meet future demands and defer the need for additional capital investment in alternative water supplies, subject to compliance with Chapters 40E-2 and 40E-20, F.A.C. Local governments are encouraged to implement these conservation measures through the adoption of ordinances that would include these measures, variance and enforcement provisions. These measures are in addition to Chapters 40E-2 and 40E-20, F.A.C., provisions and non-regulatory measures, such as education and incentive programs, which are also utilized by the District to promote water conservation. These conservation measures prohibit landscape irrigation during those periods of the day when irrigation efficiency significantly decreases, and limit landscape irrigation water use to ~~a maximum number of~~ two days per week except as specified herein. Users are encouraged to apply no more than $\frac{3}{4}$ -inch to 1-inch of water per week on their lawns and landscapes and only as needed to supplement rainfall. However, provisions have been made in this Chapter to allow landscape irrigation ~~up to~~ three days per week in designated counties to address utility operational, health, and safety and landscape concerns.

40E-24.201 Proposed Change

40E-24.201 Year-Round Landscape Irrigation Conservation Measures.

(1) through (4) No change.

(5) The following requirements or exceptions shall apply to all users unless specified otherwise herein:

(a) Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.

(b) Irrigation of new landscaping shall comply with the following provisions:

1. through 2. No Change

3. Irrigation of new landscaping which has been in place for thirty (30) days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and ~~for~~ Sunday.

4. Irrigation of new landscaping which has been in place for thirty-one (31) to ninety (90) days may be accomplished on Monday, Wednesday, Thursday, and ~~for~~ Saturday.

5. No change.

(c) through (e) No change.



40E-24.201 Proposed Change

40E-24.201 Year-Round Landscape Irrigation Conservation Measures.

(6) Except as authorized in Paragraph 7, below, irrigation of existing landscaping shall comply with the following provisions:


(a) Even addresses, installations with irrigation systems that irrigate both even and odd addresses within the same zones, such as multi-family units and homeowners' associations, and rights-of-way or other locations with no address as defined in Subsection 40E-24.101(4), F.A.C., shall have the opportunity to accomplish necessary landscape irrigation only on Thursday and ~~for~~ Sunday.

(b) Odd addresses as defined in Subsection 40E-24.101(12), F.A.C., shall have the opportunity to accomplish necessary landscape irrigation only on Wednesday and ~~for~~ Saturday.



40E-24.201 Proposed Change

40E-24.201 Year-Round Landscape Irrigation Conservation Measures.

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- (7) Users located in Broward, Collier, Glades, Hendry, Lee, Martin, Miami-Dade, Monroe, Palm Beach, and St. Lucie counties shall irrigate existing landscaping in accordance with the provisions set forth in Paragraph 6, above, or as provided below.
- (a) Even addresses, installations with irrigation systems that irrigate both even and odd addresses within the same zones, such as multi-family units and homeowners' associations, and rights-of-way or other locations with no address as defined in Subsection 40E-24.101(4), F.A.C., shall have the opportunity to accomplish necessary landscape irrigation only on Tuesday, ~~and/or~~ Thursday and ~~or~~ Sunday.
- (b) Odd addresses as defined in Subsection 40E-24.101(12), F.A.C., shall have the opportunity to accomplish necessary landscape irrigation only on Monday, ~~and/or~~ Wednesday and ~~or~~ Saturday.

40E-24.301 (1) Proposed Change

40E-24.301 Local Government Option

(1) Local governments that wish to enforce alternative landscape irrigation conservation measures, shall be considered to be in substantial compliance with this rule upon the enactment of an ordinance establishing landscape irrigation measures which achieve water conservation consistent with the number of days and times and which allow no more cumulative days and time for landscape irrigation set forth in than Subsection s 40E-24.201(5)-(7), F.A.C. Such ordinance shall provide for variance and enforcement procedures that do not diminish the effectiveness of the measures.



40E-24.301 (2) Proposed Change

40E-24.301 Local Government Option

~~2) Irrigation of landscapes, as defined above, may be further restricted by local governments only in response to concerns directly related to the local water supply system.~~



40E-24.301 (3) Proposed Change

40E-24.301 Local Government Option

(2) (3) Local governments with a jurisdiction divided between the South Florida Water Management District and another water management district may enact an ordinance providing for alternative landscape irrigation conservation measures as necessary for the local government to achieve a uniform schedule within its jurisdiction that is in accordance with at least one of the involved water management district rules.



40E-24.301 (4-6) Proposed Change

40E-24.301 Local Government Option Renumber paragraphs (4 - 6)

(3) ~~(4)~~ No text change

(4) ~~(5)~~ No text change

(5) ~~(6)~~ No text change

- With Board approval of rule changes, publish Notice of Change in Florida Administrative Weekly
- Anticipated rule effective date will move to mid-March



Staff Recommendation:

Adopt proposed changes to Rule 40E-24.011, 40E-24-201, 40E-24-301, F.A.C., to address comments received from the Joint Administrative Procedures Committee

